

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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KENNETH ENG,

Plaintiffs,

-against-

B3 LEGAL, CRAIG BROWN, and SHAWN
TREDWELL,

Defendants.

**DECLARATION IN
SUPPORT OF
DEFENDANTS'
MOTION TO DISMISS**

14-CV-2442 (JPO)

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SOPHIA REE declares under penalty of perjury pursuant to 28 U.S.C. § 1746, that the following is true and correct:

1. I am a member of the law firm of Landman Corsi Ballaine & Ford P.C., attorneys for defendants Balint Brown & Basri LLC, incorrectly sued herein as B3 Legal ("B3 Legal"), Craig Brown, and Shawn Treadwell (collectively, "Defendants") in the above-captioned action, and, as such, and from a review of our files, I am fully familiar with the facts and circumstances of this case.

2. I submit this declaration in support of: (1) Defendants' motion, made pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure ("FRCP"), to dismiss the Complaint, filed April 7, 2014 (the "Complaint"), in its entirety, with prejudice, and (2) the accompanying Defendants' Memorandum Of Law In Support Of Their Motion To Dismiss Pursuant to Rule 12(b)(6), both of which are dated June 20, 2014.

3. Attached hereto as **Exhibit 1** is a true and accurate copy of plaintiff Kenneth Eng's ("Plaintiff" or "Eng") verified complaint, filed in Case Number 10164950 (the "SDHR

Complaint”), with the New York State Division of Human Rights (“SDHR”) on or about October 10, 2013.

4. Attached hereto as **Exhibit 2** is a true and accurate copy of Equal Employment Opportunity Commission Charge Number 16GB400152, filed by Plaintiff on or about October 10, 2013.

5. Attached hereto as **Exhibit 3** is a true and accurate copy of the position statement submitted by Defendant B3 Legal to the SDHR on or about November 25, 2014 in response to the filing of the SDHR Complaint.

6. Attached hereto as **Exhibit 4** is a true and accurate copy of the SDHR’s Determination and Order dismissing the SDHR Complaint, issued on or about March 25, 2014.

7. Attached hereto as **Exhibit 5** is a true and accurate copy of Plaintiff’s complaint in the instant action, filed with the *Pro Se* Office of the United States District Court for the Southern District of New York on or about April 7, 2014.

8. Attached hereto as **Exhibit 6** is the Notice of Suit Rights issued by the EEOC with respect to Plaintiff’s Charge, issued on or about April 23, 2014, and indicating that the EEOC was dismissing Mr. Eng’s Charge and thereby adopted the SDHR’s findings.

9. For the reasons stated in the accompanying Memorandum of Law, which is incorporated herein by reference, this Court should dismiss Plaintiff’s Complaint, in its entirety, with prejudice, pursuant to FRCP 12(b)(6).

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York
June 20, 2014



SOPHIA REE